

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ASCENTIAL SOFTWARE CORPORATION, )  
Plaintiff )  
v. ) Civil Action No. 04-40130-DPW  
RUSSELL DODSON, )  
Defendant )

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**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to the above-captioned action, by their respective counsel, hereby stipulate and agree that the action shall be dismissed with prejudice and without the award of attorneys' fees and costs.

ASCENTIAL SOFTWARE  
CORPORATION,

By its attorneys,

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Dated: October 29, 2004